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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,524

09/22/2005

Olivier Pessin

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EXAMINER

ANDERSON, MICHAEL J

ART UNIT

PAPER NUMBER

3767

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/550,524

Applicant(s)

PESSIN, OLIVIER

Examiner

Michael J. Anderson

Art Unit

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. 10/550,524.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/22/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. FR 0303657, filed on 3/25/2003.

Information Disclosure Statement

2. The references cited in Form 1449 have been considered, and will be listed on any patent resulting from this application since they were provided on a separate list in the Information Disclosure Statement (IDS) Form PTO/SB/08 in compliance with 37 CFR 1.98(a)(1).

3. Claims 1-16 are pending. Claims 1-7 are canceled. Claims 8-16 are examined in the instant application.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is not clearly written. In the passage "the system is arranged in such a manner that turning the syringe through 90 degrees causes it to be lifted by one of the tabs co-operating with the bottom of the associated notch and the

piston and the pusher being disconnected” it is not clear what is claimed when referring to the “notch and the piston and the pusher being disconnected”.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 8-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Ferguson (US patent application No. 2001/0039401) (Ferguson).

8. With regard to claim 8, Ferguson discloses (figures 1-53) a front-loading syringe support device for an angiographic injector (figures 1-36; paragraph [100]), the device (element # 20) being adapted to be secured to the front face of the injector and to position an angiographic syringe having a body presenting an outwardly-directed projection (16), the cross-section of the body at the location of said projection being non-circular (figures 2 and 6, element #18), the device including a recess that is open in a reception direction (19), in particular upwards, and presents firstly a non-circular cross-section that is complementary to a portion of the cross-section of the syringe body at the location of said projection (figures 2 and 6, element #18), and secondly a front face for coming into abutment against said projection, the device being extended

forwards by a cradle for supporting the syringe body (figures 2 and 6, element #19 and figure 22-26, elements #20), wherein the recess includes a central portion that is circularly arcuate in cross-section, and that is extended by two diametrically-opposite notches (figure 12, element #19).

9. With regard to claim 9, Ferguson discloses a syringe support device as for claim 8 and further discloses wherein said central portion extends the inside surface of the cradle (figure 22-26, elements #20).

10. With regard to claim 10, Ferguson discloses a syringe support device as for claim 8 and further discloses wherein each notch is connected to the central portion via a cam-forming convex curved surface (figure 12, element #19).

11. With regard to claim 11, Ferguson discloses as for claim 8 and further discloses wherein the recess is rearwardly open (figures 2 and 6, element #19 and figure 22-26, elements #20).

12. With regard to claim 12, Ferguson discloses a syringe support device as for claim 8 and further discloses an angiographic injection device comprising: an angiographic syringe having a body provided with an outwardly-projecting projection (figures 1-36; paragraph [100]), the cross-section of the body at the location of said projection being non-circular (figures 2 and 6, element #18), said projection being constituted by two diametrically-opposite tabs (figures 2, 6, and 7, elements #18, 74 and 80), each of which is adapted to be received in one of the notches in such a manner as to be positioned thereby.

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13. With regard to claim 13, Ferguson discloses a syringe support device as for claim 12 and further discloses an angiographic injection system of the type comprising an angiographic injector having an axially-movable pusher, at least one angiographic syringe including a piston provided with means for releasably coupling with the front head of the pusher, and releasable means for securing the syringe to the front face of the injector (figures 1-36; paragraph [100]).

14. With regard to claim 15, Ferguson discloses a syringe support device as for claim 13 and further discloses wherein the support device is rearwardly open, and wherein the front face of the injector forms the rear face of the recess (figures 2 and 6, element #19 and figure 22-26, elements #20).

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Page (US patent No. 4943,282) (Page).

17. With regard to claim 16, Ferguson discloses a syringe support device as for claim 13, however Ferguson may not disclose wherein the head of the pusher and the piston comprise between them an undercut peg and a slot that is open in said reception direction or in the opposite direction such that when the pusher is in the retracted

position, putting the projection of the syringe into place in the recess by moving in the direction opposite to said reception direction causes the peg to be inserted into the slot. Page teaches the peg and slot attachment. Therefore, it would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to modify Ferguson for the purpose of providing a sliding attachment. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

Double Patenting

18. Claims 8-16 of this application conflict with claims 1-15 of Application No. 2005/0165353 A1. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Conclusion

References considered pertinent to Applicants' disclosure are listed on form PTO-892. All references listed on form PTO-892 are cited in their entirety.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Anderson whose telephone number is (571) 272-2764. The examiner can normally be reached on M-F 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin C. Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J Anderson
Examiner
Art Unit 3767

MJA
3/21/2007

KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINER

